IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Chen	)	Serial No. 10/631,068
Applicant,	)	Docket No. AUS920030521US1
For: CHINESE / ENGLISH VOCABULARY LEARNING TOOL	)	Art Unit 3174
	)	Confirmation No. 3486
Filed: July 31, 2003	)	Examiner Utama

APPEAL BRIEF

February 29, 2008

Ms Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required, this brief is filed within two months from of the Notice of Appeal, filed on January 17, 2008.

The fees required under § 41.20(b)(23) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1205.2:

I. Real Party In Interest

The real party in interest for this appeal is:

INTERNATIONAL BUSINESS MACHINES CORPORATION.

II. Related Appeals and Interferences

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of Claims

A. Total number of Claims in Application

There are 16 claims pending in this Application.

B. Current Status of Claims

1. Claims canceled: 2-3, 7, 12-13, 15-16, 20, and 25-41
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1, 4-6, 8-11, 14, 17-19, and 21-24
4. Claims allowed: None
5. Claims rejected: 1, 4-6, 8-11, 14, 17-19, and 21-24

C. Claims on Appeal

The claims on appeal are claims 1, 4-6, 8-11, 14, 17-19, and 21-24.

IV. Status of Amendments

Appellant did not file an Amendment after Final Rejection. The claims stand as written in the Amendment filed September 14, 2007.

V. Summary of Claimed Subject Matter

The following provides a concise explanation of the subject matter defined in each of the separately argued claims involved in the Appeal as required by 37 C.F.R. § 41.37(c)(1)(v). The features are identified by corresponding references to the specification and drawings where applicable. It should be noted that the citations to passages in the specification and drawings for each feature do not imply that the limitations from the specification and drawings should be read into the corresponding claim element. Rather, this summary is provided for the convenience of the Board.

Embodiments of the invention according to claim 1 provide a computer implemented method for reviewing vocabulary comprising:

using a computer and a graphical user interface (e.g., FIG. 6, GUI 400; Specification p.15, l.22-p.16, l.6) on a display connected to the computer, and responsive to a user selecting (FIG. 3, element 206; Specification 10:13-11:3) a chapter from a plurality of chapters (e.g., FIG. 6, chapter menu 402; Specification p.15, l.22-p.16, l.6) in a Chinese-English textbook, a question language (e.g., FIG. 6, question language radio buttons 404; Specification 15:22-16:6) from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language (e.g., FIG. 6, answer language radio buttons 406; Specification 15:22-16:6) from English, Simplified Chinese, Traditional Chinese, or Pin Yin, displaying a plurality of vocabulary words from the chapter (e.g., FIG. 7, GUI 500; Specification 16:7-9),

displaying a question (e.g., FIG. 4, element 310 and FIG. 8, question 604; Specification 12:8 and 16:10-20) containing a vocabulary word in the question language;

responsive to the user inputting (FIG. 4, element 312; Specification 12:8-9) an answer in the answer language, determining (FIG. 4, element 314; Specification 12:8-21) if the answer is a correct answer;

responsive to the vocabulary word or the answer being in Simplified Chinese (Specification 12:22-13:8), translating the vocabulary word or the answer into Traditional Chinese (*id.*) by accessing a Simplified Chinese/Traditional Chinese conversion table (e.g., FIG. 4, conversion table 320; Specification 12:22-13:8);

wherein a determination if the answer is a correct answer (FIG.4, element 314; Specification 12:8-21) is performed by determining whether the vocabulary word and the answer both match an entry in a Traditional Chinese/ Pin Yin/English dictionary encoded in Unicode (Specification 12:8-21).

Embodiments of the invention according to claim 4 provide the method of claim 1 further comprising displaying (FIG. 4 element 324 and FIG. 8, element 602; Specification 13:16-14:2 and 16:10-20) statistics (e.g. FIG. 8, element 602; Specification 16:10-20) regarding the user's performance in answering a plurality of questions (Specification 13:16-14:2 and 16:10-20).

Embodiments of the invention according to claim 5 provide the method of claim 1 further comprising:

calculating the probability factors (FIG. 4, element 304; Specification 11:18-12:3) for the plurality of vocabulary words; and

wherein the probability factor determines a probability that the vocabulary word will appear in a question.(Specification 11:18-12:3).

Embodiments of the invention according to claim 6 provide the method of claim 1 further comprising:

calculating the probability factors (FIG. 4, element 304; Specification 11:18-12:3) for the plurality of vocabulary words; and

wherein the probability factor determines the frequency with which the vocabulary word will be asked in a question (Specification 11:18-12:3).

Embodiments of the invention according to claim 8 provide the method of claim 1 further comprising: wherein responsive to a determination that the answer is correct (FIG. 4, element 316; Specification 13:9-15), decrementing a probability factor for the vocabulary word (*id.*).

Embodiments of the invention according to claim 9 provide the method of claim 1 further comprising: wherein responsive to a determination that the answer is incorrect (FIG. 4, element 318; Specification 13:9-15), incrementing a probability factor for the vocabulary word (*id.*).

Embodiments of the invention according to claim 10 provide the method of claim 1 further comprising:

wherein responsive to a determination that all of the vocabulary words in a chapter have a probability factor equal to one (FIG 4, element 328; Specification 13:16-14:2), indicating that the chapter is completed (FIG. 12 element 700; Specification 18:14-18).

VI. Grounds of Rejection to be Reviewed on Appeal

The rejection of claims 1, 4, 14, and 17 under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 2003/0027122 (Stansvik), in view of U.S. Patent No. 5,873,111 (Edberg), in view of U.S. Patent Application Publication No. 2001/019329 (Kobayashi), and further in view of U.S. Patent No. 5,525,060 (Loebner). Office Action pp. 2-4.

The rejection of claims 5-6, 8-10, 18-19, and 21-23 under 35 U.S.C. § 103(a) over Stansvik, in view of Kobayashi, and further in view of U.S. Patent No. 6,077,085 (Parry). Office Action pp. 4-6.

The rejection of claims 11 and 24 under 35 U.S.C. § 103(a) over Stansvik, in view of Edberg, in view of Kobayashi, in view of Loebner, and further in view of U.S. Patent Application Publication No. 2002/0151366 (Walker). Office Action p.4.

VII. Argument

A. First Ground of Rejection

Claims 1, 4, 14, and 17 stand rejected under 35 U.S.C. § 103(a) over Stansvik, in view of Edberg, in view of Kobayashi, and further in view of Loebner. Office Action pp.

2-4. In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), *viz.*, (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. "[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability." *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Furthermore, "'there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness' . . . . [H]owever, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)). Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. *See Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444; *Piasecki*, 745 F.2d at 1472, 223 USPQ at 788.

Independent Claims 1 and 14

Claims 1 and 14 recite "responsive to a user selecting . . . , displaying a plurality of vocabulary words from the chapter." The Examiner alleges Stansvik teaches these limitations. Office Action p.2 (citing to Stansvik para. [0045]). The combination fails to teach these limitations because Stansvik is silent to these limitations. The cited portion of

Stansvik merely teaches that Stansvik's fact elements may be of different types—e.g., an exact value or a sentence—and is silent to "displaying a plurality of vocabulary words." Whether Stansvik's fact element is an exact value or a sentence is not germane to the claim's "displaying a plurality of vocabulary words." Nonetheless, even if, *arguendo*, Stansvik's fact element was interpreted as meeting a vocabulary word, Stansvik is silent to displaying multiple fact elements in response to a user selection. Rather, Stansvik teaches a user selecting a chapter and then displaying a first fact element and then waiting for the student to answer before moving to the next fact element. *E.g.*, Stansvik FIG. 2, elements 20, 24, and 36. The cited portions of Edberg, Kobayashi, and Loebner are not relied upon and do not remedy these deficiencies.

Claims 1 and 14 also recite "selecting . . . a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin." The Examiner admits Stansvik fails to teach these limitations and alleges Loebner teaches these limitations. Office Action p.3. The combination is improper for at least three reasons.

First, Loebner fails to teach "selecting . . . a question language . . . and an answer language," because Loebner displays one language at a time. Loebner teaches a multiple card, flash card wherein one language is displayed at a time. *See* Loebner 3:25-32 (stating that three flips display words in pinyin, orthodox, and simplified and a fourth flip will display English). Even if, *arguendo*, choosing a surface of the multiple card, flash card met the claim's "selecting . . . a question language" or the claim's "selecting . . . an answer language," Loebner fails to teach "selecting . . . a question language . . . and an answer language," since Loebner merely teaches choosing one surface at a time.

Second, If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Combining the teachings of Loebner would change the principle of operation of Stansvik. Stansvik teaches a system that displays a question, waits for a student to answer, and then displays a next question. *E.g.*, Stansvik FIG. 2, elements 20, 24, and 36. Loebner teaches a multiple card flash card that displays one of four languages at a time. Loebner 3:25-32 (stating that three flips display words in pinyin, orthodox, and simplified and a fourth flip will display English). To make the proposed combination would replacing Stansvik's principle of a question and answer sequence with Loebner's principle of displaying one language at a time. In other words, the combination would have a system that merely displays one of four languages at a time, instead of displaying questions and requiring answers. Hence, combining Loebner with Stansvik would change the principle of operation of Stansvik.

Third, if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The combination would render Stansvik's system unsatisfactory for its intended purpose because the combination would no longer allow for the tracking of a user's progress. Stansvik teaches a system that displays a question, waits for a student to answer, and then displays a next question. *E.g.*, Stansvik FIG. 2, elements 20, 24, and 36. Loebner teaches a multiple card flash card that displays one of four languages at a time. Loebner 3:25-32 (stating that three flips display words in pinyin,

orthodox, and simplified and a fourth flip will display English). Stansvik's system is intended to test students for mastery of educational topics (Stansvik Abstract), which is accomplished by using a question and answer sequence and tracking a user's progress based on the answers (Stansvik FIGS. 4 & 9 and para. [0071]). To make the proposed combination would replace Stansvik's question and answer sequence with Loebner's displaying one language at a time. By making such a modification, Stansvik's system would no longer track a user's progress since the system would no longer require answers to questions, which are the basis for Stansvik's tracking. In other words, the combination would simply display one of four languages and be unable to track a user's progress because the system would no longer require questions. Hence, the proposed combination renders Stansvik's system unsatisfactory for its intended purpose tracking a user's progress.

Thus, the claims comprise features and limitations that are outside the scope of the cited art and the references were improperly combined to form the rejection. Therefore, Appellant respectfully requests that the rejection be reversed.

Claims 4 and 17

In addition to the features and limitations inherited from claims 1 and 14 that were improperly rejected, as discussed above, claims 4 and 17 recite "displaying statistics regarding the user's performance in answering a plurality of questions." The Examiner alleges Stansvik teaches these limitations. Office Action p. 4 (citing to Stansvik FIG. 9 and para. [0037]). The combination fails to teach these limitations because Stansvik's grades do not meet the claim's "statistics regarding the user's performance in answering a plurality of questions." Stansvik FIG. 9 illustrates a display for tracking a student's

progress, which comprises "Desired Grade" and "Present Grade" columns, yet Stansvik is silent to any form of "statistics." Stansvik's grades do not meet the claim's statistics because, e.g., Stansvik is silent to its grade conveying a number of or percentage of correct answers. The cited portions of Edberg, Kobayashi, and Loebner are not relied upon and do not remedy these deficiencies. Thus, the claims comprise features and limitations that are outside the scope of the cited art. Therefore, Appellant respectfully requests that the rejection be reversed.

B. Second Ground of Rejection

Claims 5-6, 8-10, 18-19, and 21-23 stand rejected under 35 U.S.C. § 103(a) over Stansvik, in view of Kobayashi, and further in view of Parry. Office Action pp. 4-6.

Claims 5 and 18

Claims 5 and 18 recite "calculating the probability factors for the plurality of vocabulary words; and wherein the probability factor determines a probability that the vocabulary word will appear in a question." The Examiner admits Stansvik fails to teach these limitations and alleges Parry teaches these limitations. Office Action p. 5 (citing to Parry 18:60-19:11). Parry fails to teach "probability factors," as set forth in the claim, because Parry is silent to these limitations. Parry teaches pools of questions wherein student responses affect the movement of questions between the pools (Parry 18:61-19:11), yet Parry is silent to calculating any form of probability factor. In other words, while Parry teaches pools of questions, Parry is silent to calculating a probability factor, much less a probability factor that determines a probability that a question will be used. Hence, Parry fails to teach "calculating the probability factors for the plurality of vocabulary words; and wherein the probability factor determines a probability that the

vocabulary word will appear in a question." Kobayashi is not relied upon and does not remedy these deficiencies.

Claims 5 and 18 also depend from and inherit all the features and limitations of claims 1 and 14, respectively, which recite a "dictionary encoded in Unicode." In the rejection of claims 1 and 14, the Examiner admits Stansvik fails to teach these limitations and alleges Edberg teaches these limitations. Office Action pp. 2-3 (rejecting claims 1 and 14 over a combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 5 and 18 does not comprise Edberg. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these deficiencies. Hence, the combination of cited art used to reject claims 5 and 18 fails to teach or suggest a "dictionary encoded in Unicode."

Claim 5 and 18 also depend from and inherit all the features and limitations of claims 1 and 14, which recite "selecting . . . a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin." In the rejection of claims 1 and 14, the Examiner admits Stansvik fails to teach these limitations and alleges Loebner teaches these limitations. Office Action p.3 (rejecting claims 1 and 14 over a combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 5 and 18 does not comprise Loebner. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these deficiencies. Hence, the combination of cited art used to reject claims 5 and 18 fails to teach or suggest "selecting . . . a question language from English, Simplified Chinese, Traditional

Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin."

Thus, the claims comprise features and limitations that are outside the scope of the cited art. Therefore, Appellant respectfully requests that the rejection be reversed.

Claims 6 and 19

Claims 6 and 19 recite "calculating the probability factors for the plurality of vocabulary words; and wherein the probability factor determines the frequency with which the vocabulary word will be asked in a question." The Examiner admits Stansvik fails to teach these limitations and alleges Parry teaches these limitations. Office Action p.5 (citing to Parry 18:60-19:11). Parry fails to teach "probability factors," as set forth in the claim, because Parry is silent to these limitations. Parry teaches pools of questions wherein student responses affect the movement of questions between the pools (Parry 18:61-19:11), yet Parry is silent to calculating any form of probability factor. In other words, while Parry teaches pools of questions, Parry is silent to calculating a probability factor, much less a probability factor that determines the frequency that a question will be used. Hence, Parry fails to teach "calculating the probability factors for the plurality of vocabulary words; and wherein the probability factor determines the frequency with which the vocabulary word will be asked in a question." Kobayashi is not relied upon and does not remedy these deficiencies.

Claims 6 and 19 also depend from and inherit all the features and limitations of claims 1 and 14, which recite a "dictionary encoded in Unicode." In the rejection of claims 1 and 14, the Examiner admits Stansvik fails to teach these limitations and alleges Edberg teaches these limitations. Office Action pp. 2-3 (rejecting claims 1 and 14 over a

combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 6 and 19 does not comprise Edberg. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these deficiencies. Hence, the combination of cited art used to reject claims 6 and 19 fails to teach or suggest a "dictionary encoded in Unicode."

Claims 6 and 19 also depend from and inherit all the features and limitations of claims 1 and 14, which recite "selecting . . . a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin." In the rejection of claims 1 and 14, the Examiner admits Stansvik fails to teach these limitations and alleges Loebner teaches these limitations. Office Action p.3 (rejecting claims 1 and 14 over a combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 6 and 19 does not comprise Loebner. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these deficiencies. Hence, the combination of cited art used to reject claims 6 and 19 fails to teach or suggest "selecting . . . a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin."

Thus, the claims comprise features and limitations that are outside the scope of the cited art. Therefore, Appellant respectfully requests that the rejection be reversed.

Claims 8 and 21

Claims 8 and 21 recite "wherein responsive to a determination that the answer is correct, decrementing a probability factor for the vocabulary word." The Examiner

admits Stansvik fails to teach these limitations and alleges Parry teaches these limitations. Office Action p.5 (citing to Parry 18:60-19:11). Parry fails to teach "decrementing a probability factor for the vocabulary word," as set forth in the claims, at least because Parry is silent to a "probability factor." Parry teaches pools of questions wherein student responses affect the movement of questions between the pools (Parry 18:61-19:11), yet Parry is silent to any form of probability factor. In other words, while Parry teaches pools of questions, Parry is silent to a probability factor, much less decrementing a probability factor. Hence, Parry fails to teach "decrementing a probability factor for the vocabulary word." Kobayashi is not relied upon and does not remedy these deficiencies.

Claims 8 and 21 also depend from and inherit all the features and limitations of claims 1 and 14, which recite a "dictionary encoded in Unicode." In the rejection of claims 1 and 14, the Examiner admits Stansvik fails to teach these limitations and alleges Edberg teaches these limitations. Office Action pp. 2-3 (rejecting claims 1 and 14 over a combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 8 and 21 does not comprise Edberg. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these deficiencies. Hence, the combination of cited art used to reject claims 8 and 21 fails to teach or suggest a "dictionary encoded in Unicode."

Claims 8 and 21 depend from and inherit all the features and limitations of claims 1 and 14, which also recites "selecting . . . a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin." In the rejection of claims 1 and 14, the Examiner admits Stansvik fails to teach these limitations and alleges Loebner teaches

these limitations. Office Action p.3 (rejecting claims 1 and 14 over a combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 8 and 21 does not comprise Loebner. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these deficiencies. Hence, the combination of cited art used to reject claims 8 and 21 fails to teach or suggest "selecting . . . a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin."

Thus, the claims comprise features and limitations that are outside the scope of the cited art. Therefore, Appellant respectfully requests that the rejection be reversed.

Claims 9 and 22

Claims 9 and 22 recite "wherein responsive to a determination that the answer is incorrect, incrementing a probability factor for the vocabulary word." The Examiner admits Stansvik fails to teach these limitations and alleges Parry teaches these limitations. Office Action p. 5 (citing to Parry 18:60-19:11). Parry fails to teach "incrementing a probability factor for the vocabulary word," as set forth in the claims, at least because Parry is silent to a "probability factor." Parry teaches pools of questions wherein student responses affect the movement of questions between the pools (Parry 18:61-19:11), yet Parry is silent to any form of probability factor. In other words, while Parry teaches pools of questions, Parry is silent to a probability factor, much less incrementing a probability factor. Hence, Parry fails to teach "incrementing a probability factor for the vocabulary word." Kobayashi is not relied upon and does not remedy these deficiencies.

Claims 9 and 22 also depend from and inherit all the features and limitations of claims 1 and 14, which recite a "dictionary encoded in Unicode." In the rejection of claims 1 and 14, the Examiner admits Stansvik fails to teach these limitations and alleges Edberg teaches these limitations. Office Action pp. 2-3 (rejecting claims 1 and 14 over a combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 9 and 22 does not comprise Edberg. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these deficiencies. Hence, the combination of cited art used to reject claims 9 and 22 fails to teach or suggest a "dictionary encoded in Unicode."

Claims 9 and 22 depend from and inherit all the features and limitations of claims 1 and 14, which also recite "selecting . . . a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin." In the rejection of claims 1 and 14 the Examiner admits Stansvik fails to teach these limitations and alleges Loebner teaches these limitations. Office Action p. 3 (rejecting claims 1 and 14 over a combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 9 and 22 does not comprise Loebner. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these deficiencies. Hence, the combination of cited art used to reject claims 9 and 22 fails to teach or suggest "selecting . . . a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin."

Thus, the claims comprises features and limitations that are outside the scope of the cited art. Therefore, Appellant respectfully requests that the rejection be reversed.

Claims 10 and 23

Claims 10 and 23 recite "wherein responsive to a determination that all of the vocabulary words in a chapter have a probability factor equal to one, indicating that the chapter is completed." The Examiner admits Stansvik fails to teach these limitations and alleges Parry teaches these limitations. Office Action p.5 (citing to Parry 18:60-19:11). Parry fails to teach "a determination that all of the vocabulary words in a chapter have a probability factor equal to one," as set forth in the claims, at least because Parry is silent to a "probability factor." Parry teaches pools of questions wherein student responses affect the movement of questions between the pools (Parry 18:61-19:11), yet Parry is silent to any form of probability factor. In other words, while Parry teaches pools of questions, Parry is silent to a probability factor, much less determining that all the questions in a pool have a probability factor equal to one. Hence, Parry fails to teach "a determination that all of the vocabulary words in a chapter have a probability factor equal to one." Kobayashi is not relied upon and does not remedy these deficiencies.

Claims 10 and 23 also depend from and inherit all the features and limitations of claims 1 and 14, which recites a "dictionary encoded in Unicode." In the rejection of claims 1 and 14, the Examiner admits Stansvik fails to teach these limitations and alleges Edberg teaches these limitations. Office Action pp. 2-3 (rejecting claims 1 and 14 over a combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 10 and 23 does not comprise Edberg. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these

deficiencies. Hence, the combination of cited art used to reject claims 10 and 23 fails to teach or suggest a "dictionary encoded in Unicode."

Claims 10 and 23 depend from and inherit all the features and limitations of claims 1 and 14, which also recite "selecting .... a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin." In the rejection of claims 1 and 14, the Examiner admits Stansvik fails to teach these limitations and alleges Loebner teaches these limitations. Office Action p. 3 (rejecting claims 1 and 14 over a combination of Stansvik, Edberg, Kobayashi, and Loebner). However, the combination of cited art used to reject claims 10 and 23 does not comprise Loebner. Parry, which was not used in the rejection of claims 1 and 14, is not relied upon and does not remedy these deficiencies. Hence, the combination of cited art used to reject claims 10 and 23 fails to teach or suggest a "selecting ... a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin."

Thus, the claims comprises features and limitations that are outside the scope of the cited art. Therefore, Appellant respectfully requests that the rejection be reversed.

C. Third Ground of Rejection

Claims 11 and 24 stand rejected under 35 U.S.C. § 103(a) over Stansvik, in view of Edberg, in view of Kobayashi, in view of Loebner, and further in view of Walker. Office Action p. 4.

Claims 11 and 24 depend from and inherit all the features and limitations of claims 1 and 14, respectively. As discussed above, claims 1 and 14 comprise features

and limitations that are outside the scope of the cited art and were improperly rejected. Thus, claims 11 and 24 comprise features and limitations that are outside the scope of the cited art. Walker is not relied upon and does not remedy these deficiencies. Therefore, Appellant respectfully requests that the rejection be reversed.

VIII. Claims Appendix

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A stand as written in the Amendment filed April 9, 2007.

IX. Evidence Appendix

No evidence pursuant to §§ 1.130, 1.131, or 1.132 is being submitted.

Evidence entered and relied upon by the Examiner includes:

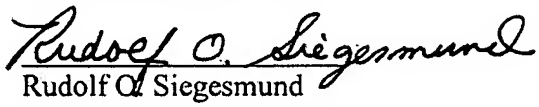
Screen shots of IE (figures 1, 2, and 3)

Screen shots of East (figures 1, 2, and 3)

X. Related Proceedings Appendix

There are no related proceedings.

Respectfully submitted,



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Appendix A: Claims

Claims Involved in the Appeal of Application Serial No. 10/631,068

1. A computer implemented method for reviewing vocabulary comprising:

using a computer and a graphical user interface on a display connected to the computer, and responsive to a user selecting a chapter from a plurality of chapters in a Chinese-English textbook, a question language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from English, Simplified Chinese, Traditional Chinese, or Pin Yin, displaying a plurality of vocabulary words from the chapter,

displaying a question containing a vocabulary word in the question language;

responsive to the user inputting an answer in the answer language, determining if the answer is a correct answer;

responsive to the vocabulary word or the answer being in Simplified Chinese, translating the vocabulary word or the answer into Traditional Chinese by accessing a Simplified Chinese/Traditional Chinese conversion table;

wherein a determination if the answer is a correct answer is performed by determining whether the vocabulary word and the answer both match an entry in a Traditional Chinese/ Pin Yin/English dictionary encoded in Unicode.

2. Canceled.

3. Canceled.

4. The method of claim 1 further comprising:

displaying statistics regarding the user's performance in answering a plurality of questions.

5. The method of claim 1 further comprising:

calculating the probability factors for the plurality of vocabulary words; and

wherein the probability factor determines a probability that the vocabulary word will appear in a question.

6. The method of claim 1 further comprising:

calculating the probability factors for the plurality of vocabulary words; and

wherein the probability factor determines the frequency with which the vocabulary word will be asked in a question.

7. Canceled.

8. The method of claim 1 further comprising:

wherein responsive to a determination that the answer is correct, decrementing a probability factor for the vocabulary word.

9. The method of claim 1 further comprising:

wherein responsive to a determination that the answer is incorrect, incrementing a probability factor for the vocabulary word.

10. The method of claim 1 further comprising:

wherein responsive to a determination that all of the vocabulary words in a chapter have a probability factor equal to one, indicating that the chapter is completed.

11. The method of claim 1 further comprising:

changing the font size of the Chinese characters displayed on a graphical user interface.

12. Canceled.

13. Canceled.

14. A program product stored on a computer-usable medium and operable on a computer, the program product comprising:

instructions to cause the computer to display a graphical user interface on the computer;

responsive to a user selecting, at the graphical user interface, a chapter from a plurality of chapters in a Chinese-English textbook, a question language from either English, Simplified Chinese, Traditional Chinese, or Pin Yin, and an answer language from either English, Simplified Chinese, Traditional Chinese, or Pin Yin, instructions for displaying a plurality of vocabulary words from the chapter;

instructions for displaying, at the graphical user interface, a question containing a vocabulary word in the question language;

responsive to a user inputting, at the graphical user interface, an answer in the answer language, instructions for determining if the answer is a correct answer;

responsive to the vocabulary word or the answer being in Simplified Chinese, translating the vocabulary word or the answer into Traditional Chinese by accessing a Simplfied Chinese/Traditional Chinese conversion table; and

responsive to determining that the vocabulary word and the answer both match an entry in a Traditional Chinese/ Pin Yin/English dictionary encoded in Unicode, instructions for indicating, at the graphical user interface, that the answer is a correct answer.

15. Canceled.

16. Canceled.

17. The program product of claim 14 further comprising:

instructions for displaying statistics regarding a user's performance in answering a plurality of questions.

18. The program product of claim 14 further comprising:

instructions for calculating the probability factors for the plurality of vocabulary words; and

wherein the probability factor determines the probability that a particular vocabulary word will appear in a question.

19. The program product of claim 14 further comprising:

instructions for calculating the probability factors for the plurality of vocabulary words; and

wherein the probability factor determines the frequency with which the vocabulary word will be asked in a question.

20. Canceled.

21. The program product of claim 14 further comprising:

wherein responsive to a determination that the answer is correct, instructions for decrementing a probability factor for the vocabulary word.

22. The program product of claim 14 further comprising:

wherein responsive to a determination that the answer is incorrect, instructions for incrementing a probability factor for the vocabulary word.

23. The program product of claim 14 further comprising:

wherein responsive to a determination that all of the vocabulary words in a chapter have a probability factor equal to one, instructions for indicating that the chapter is completed.

24. The program product of claim 14 further comprising:

instructions for changing the font size of the Chinese characters displayed on a graphical user interface.

25. Canceled.

26. Canceled.

27. Canceled.

28. Canceled.

29. Canceled.

30. Canceled.

31. Canceled.

32. Canceled.

33. Canceled.

34. Canceled.

35. Canceled.

36. Canceled.

37. Canceled.

38. Canceled.

39. Canceled.

40. Canceled.

41. Canceled.

Appendix B: Evidence

No evidence pursuant to §§ 1.130, 1.131, or 1.132 is being submitted.

No evidence relied upon by the Examiner is being submitted.

Appendix C: Related Proceedings

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.